

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/13/2021
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CHANDRA K. BARRETT,

Plaintiff,

-against-

RUBEN R. ROSARIO and ASPEN
LANDSCAPING CONTRACTING, INC.

Defendants.

1:19-cv-07815-GHW

ORDER-----X
GREGORY H. WOODS, United States District Judge:

On April 7, 2021, the Court scheduled a hearing for April 13, 2021 to discuss Michael G. LoRusso, P.C. and Hogan & Cassell's April 6, 2021 motions to withdraw as counsel of record for Plaintiff Chandra Barrett. *See* Dkt. Nos. 30-32. In two separate orders, the Court ordered Ms. Barrett to attend the April 13, 2021 hearing. *See* Dkt. Nos. 32, 34. She failed to do so, though the Court, Plaintiff's counsel, Defendants' counsel, and the court reporter all appeared on the line for the conference.

Accordingly, the hearing to discuss Plaintiff's counsel's motions to withdraw is rescheduled to **April 20, 2021 at 2:30 p.m.** **Ms. Barrett is ORDERED to participate in that conference.** The Court reminds Ms. Barrett that she is required to comply with the Court's orders. Ms. Barrett has now failed to comply with two of the Court's orders. Mr. LoRusso has proffered that he provided the Court's orders to Ms. Barrett via email, overnight mail, and registered mail, and the Court has not received any information that would indicate Ms. Barrett has not received those orders. If Ms. Barrett continues to fail to comply with the Court's orders, the Court expects to dismiss this case under Federal Rule of Civil Procedure 41(b). Rule 41(b) provides, in relevant part, that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant

may move to dismiss the action or any claim against it.” Fed. R. Civ. P. 41(b). “Although the text of Fed. R. Civ. P. 41(b) expressly addresses only the case in which a defendant moves for dismissal of an action, it is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute.” *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

It is hereby ORDERED that the proceeding scheduled to take place on **April 20, 2021** at **2:30 p.m.** will take place on the Microsoft Teams videoconference platform. To access the conference, paste the following link into your browser:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGE0ZWYwMmUtMjNlMy00YjU4LWFjNzEtMDlkYzVhYzAxYjVl%40thread.v2/0?context=%7b%22Tid%22%3a%221d66f037-8266-4d1c-919c-67c6543d3542%22%2c%22Oid%22%3a%2279c81400-3587-4ee7-8008-ba97ebee86ba%22%7d

To use this link, you may need to download software to use the platform’s videoconferencing features.¹ Participants are directed to test their videoconference setup in advance of the conference—including their ability to access the link above.

Users who are unable to download the Microsoft Teams application may access the meeting through an internet browser, although downloading the Microsoft Teams application is highly recommended.² When you successfully access the link, you may be placed in a “virtual lobby” until the conference begins. Participants should also ensure that their webcam, microphone, and headset or speakers are all properly configured to work with Microsoft Teams. For general guidelines for participation in remote conferences, visit <https://nysd.uscourts.gov/covid-19-coronavirus>.

¹ See Microsoft, *Download Microsoft Teams* (last visited January 27, 2021), <https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/download-app>.

² Please note that participants who access the Teams meeting using an internet browser may only be able to view one participant at a time.

Members of the press, public, or counsel may access the conference's audio using the following credentials:


Call-in number: 1-917-933-2166
Conference ID: 989 662 925#

The Court requests that members of the public consider accessing the conference by telephone, rather than through the Microsoft Teams videoconference platform. While the proceeding is accessible to the public through the Microsoft Teams videoconference platform, the inclusion of many participants on the videoconference platform can reduce the quality of the video stream for the parties and their respective counsel.

Plaintiff's counsel is directed to email and mail a copy of this order to Plaintiff and to retain proof of service.

SO ORDERED.

Dated: April 13, 2021
New York, New York



GREGORY H. WOODS
United States District Judge